

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

v.

4:20-CR-212

DEBRA LYNN MERCER-ERWIN (1)

**THE UNITED STATES' RESPONSE TO
NOTICE REGARDING PRETRIAL DISCOVERY**

Comes now the United States and files this response to the Notice Regarding Pretrial Discovery filed by Debra Lynn Mercer-Erwin. Dkt. 374.

RESPONSE

In a notice filed with this Court on April 6, 2023, the Defendant alleges that the United States has been dilatory in producing discovery and seeks to exclude from use discovery provided to the Defendant on April 2, 3, and 4.

The United States has consistently complied with its discovery obligations under this Court's pretrial orders, Rule 16, and *Brady* and *Giglio*. Throughout this case, counsel for the United States has promptly provided discovery to the Defendants. The United States' discovery obligations are ongoing for a reason: so that in the event the United States comes into possession of discoverable material after the dates set for production it continues to provide it to the Defendant. The United States has honored this obligation by continuing to provide discovery.

As the Defendant and this Court aware certainly aware this case involves transnational drug trafficking and has required coordination with law enforcement across the country and in multiple foreign jurisdictions. Indeed, the case has been designated a “complex case” in part because of “the significant amount of time needed for discovery.” Dkt. 142.¹ The United States has and will continue to be diligent in collecting and delivering to the Defendant any discoverable material.

CONCLUSION

For the reasons set forth above, the Defendant’s request to exclude from consideration discovery produced on April 2, 3, and 4 should be denied.

Respectfully submitted,

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/s/
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed via electronic filing to defense counsel on April 8, 2023.

/s/
ERNEST GONZALEZ

¹ Counsel for the Defendant did not oppose the United State’s request for this designation. Dkt. 140 at 7.